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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,547	01/22/2002	Bernard A. Traversat	5681-07000	8857

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EXAMINER	
SERRAO, RANODHI N	
ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/055,547	TRAVERSAT ET AL.	
	Examiner	Art Unit	
	Ranodhi Serrao	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,22-81 and 83-99* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,22-81,83-99* is/are rejected.

7)☒ Claim(s) *46 and 47* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see remarks, filed 17 July 2006, with respect to claims 1-20, 22-38, 50-81, 83-85, 90-97, and 99 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

2. Applicant's arguments regarding claims 39-49, 86-89, and 98 have been fully considered but they are not persuasive.

3. The applicant argued that McCanne does not teach the limitations of claim 39, stating that the advertisements cited in col. 8, lines 14-23 are clearly not advertisements for a peer group, but are routing advertisements for reaching a block of addresses. The examiner points out that a peer group as claimed can be read as a node on a network. In col. 7, lines 31-54, McCanne states that, "Thus, the two server devices utilize the routing advertisements to reflect server availability into the infrastructure of the network 300. Routers R.sub.4 and R.sub.3 are configured to listen to these reachability advertisements on their attached LANs 302 and 304, respectively." Since these routers are connected to the LAN and can be seen as nodes, McCanne teaches the invention as claimed.

4. The applicant furthermore argued that one or more individual IP addresses for some number of adjacent service nodes is clearly not an identifier for a peer group as disclosed in McCanne. This is incorrect since an IP address can obviously be used as an identifier of a node of a network to one of ordinary skill in the art.

5. Moreover, the applicant argued McCanne does not describe a peer group advertisement comprising a description of a common set of services to be instantiated by peer group members, as in claim 39. As explained in col. 8, lines 1-23, "To provide the services that underlie the anycast routing infrastructure, the CBB deploys service nodes in the master AS and arranges for those nodes to advertise reachability for A using the master AS's IGP." This teaches a node advertising reachability information to other nodes about common services.

6. The applicant also argued that McCanne describes nothing about a membership service advertisement, much less one that indicates how other peers may request to join the peer group. This is however incorrect since in col. 19, lines 44-48, McCanne states, "Thus, it is possible for a client to issue an anycast request, and as a result, be redirected to join a multicast group."

7. Finally the applicant argued that the teachings of McCanne has nothing to do with publishing a membership service advertisement, much less one having the limitations recited in claim 39. This clearly is not correct since in col. 9, lines 28-60, McCanne teaches publishing content from content providers.

8. The examiner points out that the pending claims must be "given the broadest reasonable interpretation consistent with the specification" [In re Prater, 162 USPQ 541 (CCPA 1969)] and "consistent with the interpretation that those skilled in the art would reach" [In re Cortright, 49 USPQ2d 1464 (Fed. Cir. 1999)]. In conclusion, upon taking the broadest reasonable interpretation of the claims, the cited reference teaches all of the claimed limitations. And the rejections are reaffirmed. See below.

9. The rejections of claims 96-99 under 35U.S.C. § 101 have been withdrawn due to applicant's amendment filed on 17 July 2006.

10. Applicant's arguments regarding the double patenting rejection of claims 1-20, 22-81 and 83-99 have been fully considered but they are not persuasive. The analysis is more clearly shown in the table below.

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

12. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

13. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claims 1-99 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-61, 1-40, 1-71, 1-203, 1-116, and 1-111 of copending Application No. 10/055649, 10/055645, 10/055741, 10/055641, 10/055662, 10/055773, and 10/054809 respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because of their similarities. See comparison table below.

15. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10/055,547 (claim 1)	10/164,259 (claim 1, 9, 10, and 21)
A peer-to-peer network environment, comprising:	A peer computing system, comprising:
a plurality of peer groups, wherein each peer group comprises a plurality of peer group members, and wherein each peer group member comprises a network node configured to communicate with other members of its peer group over one or more networks;	wherein the plurality of peer nodes and the peer node are member peers in a peer group in the network, wherein member peers of the peer group are configured to share the network service with other member peers of the peer group only, so that the peer group defines a limited domain of availability for the network service.
a plurality of peer nodes configured to participate in a peer discovery protocol to discover other peer nodes and to discover one or more of the plurality of peer groups, wherein said discovering one or more of the plurality of peer groups comprises discovering one or more peer group advertisements for the one or more of the plurality of peer groups;	comprising one or more peer-to -peer platform protocols for enabling the peer nodes to discover each other, to communicate with each other, and to share content in the peer-to -peer environment.
a subset of said plurality of peer nodes configured to participate in a membership protocol for joining said discovered peer groups; wherein each peer group defines a common set of services available to members of that peer group; and wherein a plurality of members of one of said plurality of peer groups are configured to share a network service or content with other members of said peer group only, so that said peer group defines a limited domain of availability for said network service or said content.	wherein the peer node, the other peer node, and the different peer node are member peers in a peer group in the p network, wherein member peers of the peer group are configured to share the network service with other member peers of the peer group only, so that the peer group defines a limited domain of availability for the network service.

Claim Rejections - 35 USC § 102

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claims 39-41 and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by McCanne et al. (6,415,323).

18. As per claim 39, McCanne et al. teaches a peer node, comprising: a processor; a network interface operable to couple the peer node to a network; a memory operable to store program instructions, wherein the program instructions are executable by the processor to: create an advertisement for a peer group in accordance with a protocol, wherein said advertisement for the peer group (col. 8, lines 14-23), comprises: an identifier for the peer group (col. 18, lines 18-24); a description of a common set of services to be instantiated within the peer group by members of the peer group (col. 8, lines 24-39); and a membership service advertisement indicating how others peers may request to join the peer group (col. 5, line 61-col. 6, line 4); and publish at least a portion of said advertisement for the peer group including said identifier and said membership service advertisement (col. 9, lines 28-47).

19. As per claim 40, McCanne et al. teaches a peer node, wherein said advertisement for the peer group further comprises a name associated with the peer group (col. 18, lines 25-48).

20. As per claim 41, McCanne et al. teaches a peer node, wherein said name associated with the peer group is obtained from a centralized naming service coupled to

the network, so that said name associated with the peer group is unique within the network (col. 9, lines 28-47).

21. As per claim 43, McCanne et al. teaches a peer node, wherein said advertisement for the peer group further comprises a description of an initial service to be instantiated by other peer nodes when joining the peer group (col. 13, line 65-col. 14, line 32).

22. As per claim 44, McCanne et al. teaches a peer node, wherein said program instructions are further executable to instantiate a membership service, wherein said membership service implements a membership protocol for joining said peer group such that any peer node may apply for membership in said peer group in accordance with the membership protocol (col. 19, lines 44-48).

23. As per claim 45, McCanne et al. teaches a peer node, wherein said membership service implements a membership policy for said peer group restricting which peers are allowed to join said peer group (col. 19, lines 44-48).

Claim Rejections - 35 USC § 103

24. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

25. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne et al. as applied to claim 39 above, and further in view of Dutta et al. (2002/0073075). McCanne et al. teaches the mentioned limitations of claim 39 above but fails to teach a peer node, wherein said advertisement for the peer group further

comprises keywords for use in indexing and discovering the peer group. However, Dutta et al. teaches a peer node, wherein said advertisement for the peer group further comprises keywords for use in indexing and discovering the peer group (see Dutta et al., ¶ 83). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McCanne et al. to a peer node, wherein said advertisement for the peer group further comprises keywords for use in indexing and discovering the peer group in order for augmenting conventional search engine results with peer-to-peer search results (see Dutta et al., abstract).

26. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne et al. as applied to claim 39 above, and further in view of Zhang (6,810,259).

27. As per claim 48, McCanne et al. teaches the mentioned limitations of claim 39 above but fails to teach a peer node, wherein said common set of services are shared with other members of said peer group only, so that said peer group defines a limited domain of availability for said services. However, Zhang teaches a peer node, wherein said common set of services are shared with other members of said peer group only, so that said peer group defines a limited domain of availability for said services (see Zhang, col. 17, lines 44-55). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McCanne et al. to a peer node, wherein said common set of services are shared with other members of said peer group only, so that said peer group defines a limited domain of availability for said services in order to

provide structure on the network operating in accordance with the DCS protocol (see Zhang, col. 12, lines 8-32).

28. As per claim 49, McCanne et al. teaches the mentioned limitations of claim 39 above but fails to teach a peer node, wherein said common set of services implements a protocol for joining and leaving said peer group, wherein said protocol is platform independent as to programming language implementations and network transport for said common set of services. However, Zhang teaches a peer node, wherein said common set of services implements a protocol for joining and leaving said peer group, wherein said protocol is platform independent as to programming language implementations and network transport for said common set of services (see Zhang, col. 19, lines 9-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McCanne et al. to a peer node, wherein said common set of services implements a protocol for joining and leaving said peer group, wherein said protocol is platform independent as to programming language implementations and network transport for said common set of services in order to provide structure on the network operating in accordance with the DCS protocol (see Zhang, col. 12, lines 8-32).

29. Claims 86-89 and 98 have similar limitations as to claims 39-45, 48, and 49, therefore, they are being rejected under the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER